



General Assembly

February Session, 2022

Raised Bill No. 291

LCO No. 2175



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) No zoning regulation shall treat any family child care home
4 [registered] or group child care home located in a residence and licensed
5 by the Office of Early Childhood pursuant to [section 17b-733] chapter
6 368a in a manner different from single or multifamily dwellings.

7 (b) Not later than December 1, 2022, and annually thereafter, each
8 municipality shall submit to the Office of Policy and Management a
9 sworn statement from the chief executive officer of the municipality
10 stating (1) that the municipality's zoning ordinances are in compliance
11 with (A) subsection (a) of this section, and (B) the provisions of
12 subdivision (1) of subsection (d) of section 8-2, as amended by this act,
13 or (2) the specific time frame within which the municipality will bring
14 its zoning ordinances into compliance with subsection (a) of this section
15 and subsection (d) of section 8-2, as amended by this act.

16 Sec. 2. Subsection (d) of section 8-2 of the 2022 supplement to the
17 general statutes is repealed and the following is substituted in lieu
18 thereof (*Effective October 1, 2022*):

19 (d) Zoning regulations adopted pursuant to subsection (a) of this
20 section shall not:

21 (1) ~~(A) Prohibit the operation in a residential zone of any family child~~
22 ~~care home or group child care home [in a residential zone] located in a~~
23 ~~residence, or (B) require any special zoning permit or special zoning~~
24 ~~exception for such operation;~~

25 (2) (A) Prohibit the use of receptacles for the storage of items
26 designated for recycling in accordance with section 22a-241b or require
27 that such receptacles comply with provisions for bulk or lot area, or
28 similar provisions, except provisions for side yards, rear yards and front
29 yards; or (B) unreasonably restrict access to or the size of such
30 receptacles for businesses, given the nature of the business and the
31 volume of items designated for recycling in accordance with section 22a-
32 241b, that such business produces in its normal course of business,
33 provided nothing in this section shall be construed to prohibit such
34 regulations from requiring the screening or buffering of such receptacles
35 for aesthetic reasons;

36 (3) Impose conditions and requirements on manufactured homes,
37 including mobile manufactured homes, having as their narrowest
38 dimension twenty-two feet or more and built in accordance with federal
39 manufactured home construction and safety standards or on lots
40 containing such manufactured homes, including mobile manufactured
41 home parks, if those conditions and requirements are substantially
42 different from conditions and requirements imposed on (A) single-
43 family dwellings; (B) lots containing single-family dwellings; or (C)
44 multifamily dwellings, lots containing multifamily dwellings, cluster
45 developments or planned unit developments;

46 (4) (A) Prohibit the continuance of any nonconforming use, building
47 or structure existing at the time of the adoption of such regulations; (B)

48 require a special permit or special exception for any such continuance;
49 (C) provide for the termination of any nonconforming use solely as a
50 result of nonuse for a specified period of time without regard to the
51 intent of the property owner to maintain that use; or (D) terminate or
52 deem abandoned a nonconforming use, building or structure unless the
53 property owner of such use, building or structure voluntarily
54 discontinues such use, building or structure and such discontinuance is
55 accompanied by an intent to not reestablish such use, building or
56 structure. The demolition or deconstruction of a nonconforming use,
57 building or structure shall not by itself be evidence of such property
58 owner's intent to not reestablish such use, building or structure;

59 (5) Prohibit the installation, in accordance with the provisions of
60 section 8-1bb, of temporary health care structures for use by mentally or
61 physically impaired persons if such structures comply with the
62 provisions of said section, unless the municipality opts out in
63 accordance with the provisions of subsection (j) of said section;

64 (6) Prohibit the operation in a residential zone of any cottage food
65 operation, as defined in section 21a-62b;

66 (7) Establish for any dwelling unit a minimum floor area that is
67 greater than the minimum floor area set forth in the applicable building,
68 housing or other code;

69 (8) Place a fixed numerical or percentage cap on the number of
70 dwelling units that constitute multifamily housing over four units,
71 middle housing or mixed-use development that may be permitted in the
72 municipality;

73 (9) Require more than one parking space for each studio or one-
74 bedroom dwelling unit or more than two parking spaces for each
75 dwelling unit with two or more bedrooms, unless the municipality opts
76 out in accordance with the provisions of section 8-2p; or

77 (10) Be applied to deny any land use application, including for any
78 site plan approval, special permit, special exception or other zoning

79 approval, on the basis of (A) a district's character, unless such character
80 is expressly articulated in such regulations by clear and explicit physical
81 standards for site work and structures, or (B) the immutable
82 characteristics, source of income or income level of any applicant or end
83 user, other than age or disability whenever age-restricted or disability-
84 restricted housing may be permitted.

85 Sec. 3. Subsection (a) of section 19a-87b of the 2022 supplement to the
86 general statutes is repealed and the following is substituted in lieu
87 thereof (*Effective October 1, 2022*):

88 (a) No person, group of persons, association, organization,
89 corporation, institution or agency, public or private, shall maintain a
90 family child care home, as described in section 19a-77, without a license
91 issued by the Commissioner of Early Childhood. Licensure forms shall
92 be obtained from the Office of Early Childhood. Applications for
93 licensure shall be made to the commissioner on forms provided by the
94 office and shall contain the information required by regulations adopted
95 under this section. The licensure and application forms shall contain a
96 notice that false statements made therein are punishable in accordance
97 with section 53a-157b. Applicants shall state, in writing, that they are in
98 compliance with the regulations adopted by the commissioner pursuant
99 to subsection (f) of this section. Before a family child care home license
100 is granted, the office shall make an inquiry and investigation which shall
101 include a visit and inspection of the premises for which the license is
102 requested. Any inspection conducted by the office shall include an
103 inspection for evident sources of lead poisoning. The office shall provide
104 for a chemical analysis of any paint chips found on such premises.
105 Neither the commissioner nor the commissioner's designee shall require
106 an annual inspection for homes seeking license renewal or for licensed
107 homes, except that the commissioner or the commissioner's designee
108 shall make an unannounced visit, inspection or investigation of each
109 licensed family child care home at least once every year. A licensed
110 family child care home shall not be subject to any conditions on the
111 operation of such home by local officials, other than those imposed by
112 the office pursuant to this subsection, if the home complies with all

113 [local] codes and ordinances applicable to single and multifamily
114 dwellings.

115 Sec. 4. Subsection (a) of section 47a-4 of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective October*
117 *1, 2022*):

118 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
119 waive or forfeit rights or remedies under this chapter and sections 47a-
120 21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to
121 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of
122 the general statutes or any municipal ordinance unless such section or
123 ordinance expressly states that such rights may be waived; (2)
124 authorizes the landlord to confess judgment on a claim arising out of the
125 rental agreement; (3) agrees to the exculpation or limitation of any
126 liability of the landlord arising under law or to indemnify the landlord
127 for that liability or the costs connected therewith; (4) agrees to waive his
128 right to the interest on the security deposit pursuant to section 47a-21;
129 (5) agrees to permit the landlord to dispossess him without resort to
130 court order; (6) consents to the distraint of his property for rent; (7)
131 agrees to pay the landlord's attorney's fees in excess of fifteen per cent
132 of any judgment against the tenant in any action in which money
133 damages are awarded; (8) agrees to pay a late charge prior to the
134 expiration of the grace period set forth in section 47a-15a or to pay rent
135 in a reduced amount if such rent is paid prior to the expiration of such
136 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or
137 utilities is included in the rental agreement; or (10) in any rental
138 agreement entered into or renewed on or after October 1, 2022, is
139 prohibited from operating a licensed family child care home, as
140 described in section 19a-77, or is otherwise restricted in the operation of
141 a licensed family child care home.

142 Sec. 5. (NEW) (*Effective October 1, 2022*) In any renter's or
143 homeowner's insurance policy providing coverage for the operator of a
144 licensed family child care home or group child care home, such operator
145 may, and shall at the landlord's request, name such operator's landlord

146 as an additional insured on such policy. For the purposes of this section,
 147 "family child care home" and "group child care home" have the same
 148 descriptions as provided in section 19a-77 of the general statutes and
 149 "landlord" has the same meaning as provided in section 47a-1 of the
 150 general statutes.

151 Sec. 6. (NEW) (*Effective October 1, 2022*) In any civil action arising from
 152 an act or omission of an operator of a licensed family child care home or
 153 group child care home in the course of operating such child care home
 154 in a dwelling unit, the landlord of such dwelling unit shall not be liable
 155 for such act or omission of such operator. For the purposes of this
 156 section, "family child care home" and "group child care home" have the
 157 same descriptions as provided in section 19a-77 of the general statutes
 158 and "landlord" and "dwelling unit" have the same meanings as provided
 159 in section 47a-1 of the general statutes.

160 Sec. 7. Section 19a-80 of the 2022 supplement to the general statutes
 161 is repealed and the following is substituted in lieu thereof (*Effective*
 162 *October 1, 2022*):

163 (a) No person, group of persons, association, organization,
 164 corporation, institution or agency, public or private, shall maintain a
 165 child care center or group child care home without a license issued in
 166 accordance with sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-
 167 87a, inclusive. Applications for such license shall be made to the
 168 Commissioner of Early Childhood on forms provided by the
 169 commissioner and shall contain the information required by regulations
 170 adopted under said sections. The forms shall contain a notice that false
 171 statements made therein are punishable in accordance with section 53a-
 172 157b.

173 (b) (1) Upon receipt of an application for a license, the commissioner
 174 shall issue such license if, upon inspection and investigation, said
 175 commissioner finds that the applicant, the facilities and the program
 176 meet the health, educational and social needs of children likely to attend
 177 the child care center or group child care home and comply with

178 requirements established by regulations adopted under this section and
 179 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,
 180 inclusive. Any such inspection under this subsection of a group child
 181 care home located in a residence shall include an inspection for evident
 182 sources of lead poisoning, and shall provide for chemical analysis of any
 183 paint chips found on such premises. The commissioner shall offer an
 184 expedited application review process for an application submitted by a
 185 municipal agency or department. A currently licensed person or entity,
 186 as described in subsection (a) of this section, seeking a change of
 187 operator, ownership or location shall file a new license application,
 188 except such person or entity may request the commissioner to waive the
 189 requirement that a new license application be filed. The commissioner
 190 may grant or deny such request. Each license shall be for a term of four
 191 years, shall be nontransferable, and may be renewed upon receipt by the
 192 commissioner of a renewal application and accompanying licensure fee.
 193 The commissioner may suspend or revoke such license after notice and
 194 an opportunity for a hearing as provided in section 19a-84 for violation
 195 of the regulations adopted under this section and sections 19a-77 to 19a-
 196 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
 197 application for renewal of a license that has expired, the commissioner
 198 may renew such expired license within thirty days of the date of such
 199 expiration upon receipt of a renewal application and accompanying
 200 licensure fee.

201 (2) The commissioner shall collect from the licensee of a child care
 202 center a fee of five hundred dollars prior to issuing or renewing a license
 203 for a term of four years. The commissioner shall collect from the licensee
 204 of a group child care home a fee of two hundred fifty dollars prior to
 205 issuing or renewing a license for a term of four years. The commissioner
 206 shall require only one license for a child care center operated in two or
 207 more buildings, provided the same licensee provides child care services
 208 in each building and the buildings are joined together by a contiguous
 209 playground that is part of the licensed space.

210 (3) The commissioner, or the commissioner's designee, shall make an
 211 unannounced visit, inspection or investigation of each licensed child

212 care center and group child care home at least once each year. At least
 213 once every two years, the local health director, or the local health
 214 director's designee, shall make an inspection of each licensed child care
 215 center and group child care home.

216 (4) A municipality may not subject the operation of a licensed group
 217 child care home located in a residence to any conditions, other than
 218 those imposed by the commissioner pursuant to this subsection, if the
 219 group child care home complies with all codes and ordinances
 220 applicable to single and multifamily dwellings.

221 (c) The commissioner shall require each prospective employee of a
 222 child care center or group child care home for a position that requires
 223 the provision of care to a child or involves unsupervised access to any
 224 child in such child care center or group child care home, to submit to
 225 comprehensive background checks, including state and national
 226 criminal history records checks. The criminal history records checks
 227 required pursuant to this subsection shall be conducted in accordance
 228 with section 29-17a. The commissioner shall also request a check of the
 229 state child abuse registry established pursuant to section 17a-101k. The
 230 Commissioner of Early Childhood shall notify each licensee of the
 231 provisions of this subsection. No such prospective employee shall begin
 232 working in such child care center or group child care home until the
 233 provisions of 45 CFR 98.43(d)(4), as amended from time to time, have
 234 been satisfied.

235 (d) The commissioner shall inform each licensee, by way of a plain
 236 language summary provided not later than sixty days after the
 237 regulation's effective date, of new or changed regulations adopted
 238 under this section and sections 19a-77 to [19a-80] 19a-79a, inclusive, or
 239 sections 19a-82 to 19a-87a, inclusive, with which a licensee must comply.

240 Sec. 8. (NEW) (*Effective October 1, 2022*) (a) Any provision in a written
 241 instrument relating to real property that prohibits the leasing of the real
 242 property for use or occupancy as a licensed family child care home is
 243 void.

244 (b) Any provision in a written instrument relating to real property
245 that purports to prohibit the leasing of the real property, in a single-
246 family dwelling, for use or occupancy as a licensed group child care
247 home is void. Any restriction in such written instrument as to the use or
248 occupancy of the property as a licensed group child care home is void.

249 (c) An attempt to deny, restrict or encumber the leasing of real
250 property for use or occupancy as a licensed family child care home is
251 void. A property owner or manager shall not refuse to rent, or refuse to
252 negotiate for the rental of, or otherwise make unavailable or deny, a
253 single or multifamily dwelling in which the underlying zoning allows
254 for residential use to a person because that person operates or intends
255 to operate a licensed family child care home.

256 (d) No person shall attempt to deny, restrict or encumber the leasing
257 of real property, in a single-family dwelling, for use or occupancy as a
258 licensed group child care home. A property owner or manager shall not
259 refuse to rent, or refuse to negotiate the rental of, or otherwise make
260 unavailable or deny, a single-family dwelling in which the underlying
261 zoning allows for residential use to a person because such person
262 operates or intends to operate a licensed group child care home.

263 (e) A restriction, whether by way of covenant, contract or condition
264 upon use or occupancy, that restricts directly or indirectly limits the use,
265 or occupancy of a single-family dwelling in which the underlying
266 zoning allows for residential use as a licensed family child care home or
267 group child care home is void.

268 (f) A restriction, whether by way of covenant, contract or condition
269 upon use or occupancy, that restricts directly or indirectly limits the use,
270 or occupancy of a multifamily dwelling in which the underlying zoning
271 allows for use as a licensed family child care home is void.

272 (g) This section shall not apply to any such restriction imposed by an
273 association of unit owners for a condominium or unit owners'
274 association if a common interest community imposes such a restriction
275 upon a dwelling.

276 (h) For the purposes of this section, "restriction" means a restriction
277 imposed orally, in writing or by conduct and includes prohibition.

278 Sec. 9. Subsection (b) of section 47a-21 of the 2022 supplement to the
279 general statutes is repealed and the following is substituted in lieu
280 thereof (*Effective October 1, 2022*):

281 (b) (1) [In] Except as provided in subdivision (3) of this subsection, in
282 the case of a tenant under sixty-two years of age, a landlord shall not
283 demand a security deposit in an amount that exceeds two months' rent.

284 (2) [In] Except as provided in subdivision (3) of this subsection, in the
285 case of a tenant sixty-two years of age or older, a landlord shall not
286 demand a security deposit in an amount that exceeds one month's rent.
287 Any landlord who has received a security deposit in an amount that
288 exceeds one month's rent from a tenant who becomes sixty-two years of
289 age after paying such security deposit shall return the portion of such
290 security deposit that exceeds one month's rent to the tenant upon the
291 tenant's request.

292 (3) A landlord may demand an additional security deposit of a
293 reasonable amount from a tenant who operates a group child care home
294 as described in section 19a-77.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|-------------|
| Section 1 | <i>October 1, 2022</i> | 8-3j |
| Sec. 2 | <i>October 1, 2022</i> | 8-2(d) |
| Sec. 3 | <i>October 1, 2022</i> | 19a-87b(a) |
| Sec. 4 | <i>October 1, 2022</i> | 47a-4(a) |
| Sec. 5 | <i>October 1, 2022</i> | New section |
| Sec. 6 | <i>October 1, 2022</i> | New section |
| Sec. 7 | <i>October 1, 2022</i> | 19a-80 |
| Sec. 8 | <i>October 1, 2022</i> | New section |
| Sec. 9 | <i>October 1, 2022</i> | 47a-21(b) |

Statement of Purpose:

To (1) clarify and enforce protections for licensed group child care homes and licensed family child care homes, (2) prevent landlords from placing restrictions on the operation of licensed group child care homes and licensed family child care homes, and (3) provide certain protections to landlords when their property is utilized by operators of licensed group child care homes and licensed family child care homes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]